

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

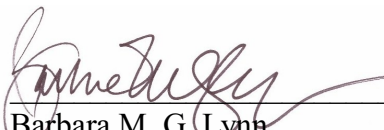
JAMIE BANDA, BOP No. 31229-177,	§	
	§	
Petitioner,	§	
	§	
v.	§	No. 3:03-CR-0355-M
	§	No. 3:05-CV-0318-M
UNITED STATES OF AMERICA,	§	
	§	
Respondent.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS AND RECOMMENDATIONS OF  
THE UNITED STATES MAGISTRATE JUDGE**

United States Magistrate Judge William F. Sanderson made findings, conclusions, and a recommendation in this case. Plaintiff filed objections and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The Court notes that petitioner did not raise the ineffective assistance of counsel argument which is contained in his objections in his § 2255 motion, but even if he had, he has not satisfied the standard enunciated in *Strickland v. Washington*, 466 U.S. 668 (1984). The availability of the safety valve and the determination of whether a defendant should receive an additional one point for acceptance of responsibility are both in the sole discretion of the government. *Id.* The objections are therefore overruled. The Court accepts the Findings, Conclusions and Recommendation of the United States Magistrate Judge.

**SO ORDERED.**

September 13, 2005.

  
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Barbara M. G. Lynn  
UNITED STATES DISTRICT JUDGE